



ATTORNEY'S DOCKET NO.: PA2683US

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Systems and Methods for Software Extensible Multi-Processing** the specification of which was filed December 31, 2003 and allocated application number 10/750,714.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim **no foreign priority benefits** under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s); or §365(a) of any PCT international application which designated at least one country other than the United States of America.

I hereby claim the priority benefit under Title 35, United States Code §119(e) of **United States provisional application number 60/459,538 filed March 31, 2003**.

I hereby claim **no priority benefit** under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States.

**POWER OF ATTORNEY:** I hereby appoint the attorneys and/or agents associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### SEND ALL CORRESPONDENCE TO:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Ricardo E. Gonzalez Citizenship: Mexico

Inventor's signature: Ricardo Gonzalez Dated: 6/29/04  
(Permanent ink only) (Date of Signature)

Mailing Address: 536 Shorebird Circle #5202, Redwood City, CA 94065

Residence Address: \_\_\_\_\_  
(if the inventor lives at a location different than his/her mailing address)

Full name of second inventor: Albert R. Wang Citizenship: U.S.A.

Inventor's signature: Albert Wang Dated: 6/29/04  
(Permanent ink only) (Date of Signature)

Mailing Address: 871 Gardenia Way, Los Altos, CA 94024

Residence Address: \_\_\_\_\_  
(if the inventor lives at a location different than his/her mailing address)

Full name of third inventor: Gareld Howard Banta Citizenship: U.S.A.

Inventor's signature: Gareld Howard Banta Dated: 7/12/04  
(Permanent ink only) (Date of Signature)

Mailing Address: 32 Encina Avenue, Atherton, CA 94027

Residence Address: \_\_\_\_\_  
(if the inventor lives at a location different than his/her mailing address)

**37 CFR §1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.